

AMENDED IN ASSEMBLY AUGUST 24, 2006

AMENDED IN ASSEMBLY JUNE 13, 2006

AMENDED IN SENATE MAY 27, 2005

AMENDED IN SENATE MARCH 30, 2005

SENATE BILL

No. 46

Introduced by Senator Alarcon

January 5, 2005

An act to add Section 6720 to the Labor Code, relating to occupational safety and health.

LEGISLATIVE COUNSEL'S DIGEST

SB 46, as amended, Alarcon. Occupational safety and health: masonry cutting.

Existing law provides for the safety and health of employees by regulating various practices and procedures in the workplace to minimize exposure to health-endangering substances and materials.

This bill would prohibit the dry cutting and dry grinding of masonry materials, except where it is determined that the use of water in cutting or grinding masonry materials is not feasible, ~~as specified or is prohibited by state or federal law.~~ *Where For those instances where it is determined that the use of water is not feasible or is unlawful, this the bill would require certain safety precautions in order the Occupational Safety and Health Standards Board to adopt an effective safety and health standard establishing alternative administrative and engineering controls designed to minimize the exposure of employees to masonry dust. This bill would become operative when the standards board adopts the standard establishing alternative administrative and engineering controls, or on July 31, 2007, whichever is earlier.*

This bill would impose a state-mandated local program by creating workplace prohibitions and requirements, the violation of which would constitute a misdemeanor.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6720 is added to the Labor Code, to
2 read:

3 6720. (a) In order to protect the safety and health of
4 employees against the effects of silicosis and other respiratory
5 diseases, the dry cutting of masonry units by means of hand-held,
6 gas-powered, or electrical portable ~~chop saws or skill~~ saws, and
7 the dry grinding of masonry materials, is prohibited, except in
8 instances in which it is determined, in a manner consistent with
9 all applicable standards promulgated pursuant to the federal
10 Occupational Safety and Health Act of 1970 (29 U.S.C. Sec. 651
11 et seq.), that the use of water in the cutting or grinding of
12 masonry materials is not feasible *or is prohibited by state or*
13 *federal law.*

14 (b) ~~In~~ *The standards board shall, not later than July 31, 2007,*
15 *adopt an effective safety and health standard proposed by the*
16 *division to establish alternative administrative and engineering*
17 *controls that are to be used in any instance in which it is*
18 *determined, pursuant to this section, that the use of water in the*
19 *cutting or grinding of masonry materials is not feasible, all of the*
20 *following requirements apply or is unlawful. The controls that*
21 *the standards board is to consider shall include all of the*
22 *following:*

23 (1) ~~The employer shall use engineering~~ *Engineering* and work
24 practice controls, such as a vacuum with a high-efficiency
25 particulate air filter or other dust control system, to control the
26 dust.

1 ~~(2) Any dry cutting shall be done in a~~ A designated area away
2 ~~from craftworkers, if possible other workers where the dry~~
3 ~~cutting or grinding may take place.~~

4 ~~(3) The employer shall provide employees with use of~~
5 ~~respirators, including~~ full face respirators as part of a complete
6 respiratory program that includes training, the proper selection of
7 respiratory cartridges, and fit-testing to ensure that the employees
8 are able to wear the respirators.

9 (c) This section does not apply to emergency service personnel
10 responding to emergency situations.

11 (d) *The standards board shall, not later than July 31, 2007,*
12 *adopt a definition of masonry materials that shall include*
13 *concrete units and baked clay products; concrete, glass, and clay*
14 *blocks; natural and manufactured stone; terra cotta; and fire*
15 *brick.*

16 (e) *This section shall become operative when the standards*
17 *board adopts the standard prescribed by subdivision (b), or on*
18 *July 31, 2007, whichever is earlier.*

19 SEC. 2. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the
24 penalty for a crime or infraction, within the meaning of Section
25 17556 of the Government Code, or changes the definition of a
26 crime within the meaning of Section 6 of Article XIII B of the
27 California Constitution.